

### III. REMARKS

Claims 1-7 and 15-18 are pending in this application. Claim 15 is amended. Claims 8-14 were previously canceled. Claims 1-7 and 15-18 are rejected under 35 USC 102(e) as allegedly being anticipated by or in the alternative, under 35 USC 103(a) as allegedly being obvious over (PDR for Herbal Medicines, First Edition, *Salix Species*, pages 1111-1112, copyrighted 1998) (referred to herein as “PDR”) or (The Healing Herbs, The Ultimate Guide to the Curative Power of Nature’s Medicines, *White Willow*, pages 369-371, copyrighted 1991) (referred to herein as “Healing Herbs”). Applicant respectfully traverses the 35 USC 102(e) and 35 USC 103(a) rejections for the reasons provided below.

Applicant does not acquiesce in the correctness of the rejections and reserves the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicant reserves the right to pursue the full scope of the subject matter of the claims in a subsequent patent application that claims priority to the instant application.

#### A. REJECTION OF CLAIMS 1-7 and 15-16 UNDER 35 USC §102(e) and 103(a)

With regard to the 35 USC §102(e) and 35 USC §103(a) rejection over PDR or Healing Herbs, Applicant asserts that PDR or Healing Herbs do not teach each and every feature of the claimed invention and PDR or Healing Herbs do not suggest each and every feature of the claimed invention.

Specifically regarding the Office's rejections of claim 1 (and similarly claim 15), Applicant submits that PDR or Healing Herbs fails to teach each and every feature of claim 1 (and similarly claim 15).

Claim 1 (and similarly claim 15, as amended) recites "A pharmaceutical composition for stimulating nitric oxide production in mammalian cells." PDR and Healing Herbs do not teach or suggest this feature. The Office does not allege that PDR and Healing Herbs teach or suggest this feature.

Healing Herbs describes the water extracts of white willow as an anti-inflammatory. Healing Herbs at p.371. PDR suggests the water extracts of white willow as anti-inflammatory. PDR at p.1112. Both references describe water extracts acting via the salicylate pathway. PDR at p.1112 and Healing Herbs p.370. Thus they act via inhibition of prostaglandin production and by inhibiting nitrous oxide production.

Claim 1 (and similarly claim 15, as amended), recite the claimed composition as "stimulating nitric oxide production." Therefore, PDR and Healing Herbs do not teach or suggest the claimed invention. Applicants respectfully request that the Office withdraw the rejection of independent claim 1 (and similarly claim 15, as amended) under 35 USC §102(e) and 35 USC §103(a).

With respect to the dependent claims, Applicant herein incorporates the arguments presented above with respect to the independent claims from which the claims depend. Furthermore, Applicant submits that all dependant claims are allowable based on their own distinct features. Since the cited art does not teach each and every feature of the claimed invention, Applicant respectfully requests withdrawal of this rejection.

#### IV. CONCLUSION

In addition to the above arguments, Applicant submits that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicant does not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicant does not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However, Applicant reserves the right to present such arguments in a later response should one be necessary.

In light of the above, Applicant respectfully submits that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,

/David E. Rook/

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